

JAP:JMH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

16M 280

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(T. 18, U.S.C. § 2252(a)(2))

YANG KIM,
also known as "Andrew Kim,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JONATHAN B. GERACI, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and between November 2014 and March 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant YANG KIM, also known as "Andrew Kim," did knowingly receive any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with the FBI since 2006 and am currently assigned to the New York Office. Since October 2014, I have been assigned to a Crimes Against Children squad and have investigated violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through classroom training and daily work conducting these types of investigations. As a result of my training and experience, I am familiar with the techniques and methods used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities. As part of my responsibilities, I have been involved in the investigation of numerous child pornography ("CP") cases and have reviewed hundreds of photographs and video files depicting minors (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. A website ("Website A") was operated on a network ("the Network") available to Internet users who are aware of its existence. The Network is designed specifically to facilitate anonymous communication over the Internet. Websites that are

accessible only to users within the Network can be set up within the Network and Website A was one such website. Website A could not generally be accessed through the traditional Internet. Only a user who had installed the appropriate software on the user's computer could access Website A.

4. Website A was a child pornography bulletin board and website dedicated to the advertisement and distribution of child pornography and the discussion of matters pertinent to the sexual abuse of children, including the safety and security of individuals who seek to sexually exploit children online. On or about February 20, 2015, the computer server hosting Website A was seized from a web-hosting facility. Between February 20, 2015, and March 4, 2015, law enforcement agents acting pursuant to a court order from another federal district court monitored electronic communications of users of Website A.

5. According to data obtained from logs on Website A and monitoring by law enforcement, a user with the user name "zzzzpppp" originally registered an account on Website A on approximately November 14, 2014. Between November 14, 2014, and March 3, 2015, the user "zzzzpppp" actively logged into Website A for a total of approximately 2 hours and 55 minutes.

6. Records obtained for the pertinent time frame show that the IP address used by "zzzzpppp" was registered to an apartment in Queens, New York, within the Eastern District of New York ("the First Apartment"). The investigation further revealed that, subsequent to March 3, 2015, the residents of the First Apartment moved to another apartment in Queens, New York, within the Eastern District of New York ("the Second Apartment").

7. On or about December 22, 2015, along with other FBI Agents, I participated in a voluntary interview of the defendant YANG KIM, also known as "Andrew

Kim,” at the Second Apartment. The defendant was advised of the identities of the interviewing agents and the nature of the interview. The defendant was advised that he was not under arrest and that he could discontinue the interview at any time.

8. In sum and substance, the defendant admitted that he began viewing child pornography approximately two and one-half years prior to the interview. He admitted using Website A, and stated that he used the username “zzzzpppp” while doing so.

9. The defendant provided verbal and written consent for the FBI to search his desktop computer, which he stated he had owned for approximately one year. The desktop computer was located in the defendant’s room, and the defendant stated that he was the only person who used it.

10. In the course of the search of the defendant’s desktop computer, the FBI recovered evidence of multiple video files and image files appearing to depict child pornography. For example, the desktop computer contained, among others, the following video files:

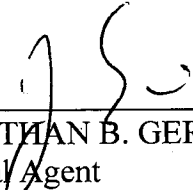
- a. **9 yo on hottie on cam finger and orgasm.avi** is a video file that is approximately 11 minutes and 23 seconds in length depicting a young prepubescent female. The young female lays on a bed with her legs spread. The young female then exposes her genitals and digitally penetrates herself.
- b. **11 .mp4.mpg** is a video file that is approximately 2 minutes and 40 seconds in length depicting a young prepubescent female. The young female is lying on a bed nude with her legs spread. While her genitals are exposed she is depicted penetrating her genitals with the handle of a hairbrush.
- c. **Kansai Chiharu – 14yo!.avi** is a video file that is approximately 1 hour, 13 minutes and 21 seconds which initially depicts a young pubescent female. The video initiates with the young female on a bed. The young female then undresses and lies on a bed nude. An adult male then lays on top of the young female and begins to digitally penetrate her genitals.

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The young female then performs oral sex on the adult male followed by the adult male performing oral sex on the young female. The adult male then performs vaginal intercourse with the female her and ejaculates on her genital area. Subsequent scenes include an adult male utilizing a vibrator on the genitals of a young prepubescent female and additional scenes of an adult male engaging in vaginal intercourse with a young pubescent female.

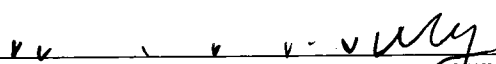
- d. **Masha and Veronica Babko 2 (orgasm scenes only).wmv** is a video file that is approximately 16 minutes and 23 seconds in length depicting one young prepubescent female and one young pubescent female. The video initiates with both young females nude and kissing each other. This is followed by each of the females performing oral sex on each other.

WHEREFORE, your deponent respectfully requests that the defendant YANG KIM, also known as "Andrew Kim," be dealt with according to law.



JONATHAN B. GERACI
Special Agent
Federal Bureau of Investigation

Sworn to before me this
23rd day of March, 2016



THE HONORABLE VIKTOR V. PCHORELSKY
CHIEF UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK